

Message Text

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PAGE 01 STATE 041607
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DRAFTED BY OSD/ISA:HOLTZCLAW
APPROVED BY EUR/RPM:EREHFELD
OSD/ISA:GEN BOWMAN
OSD/DDR AND E:MR DEJONGE
OSD/I AND L:MR LABERNE
PM/ISA:MR.ANDERSON

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SUBJECT: FUTURE ACTIVITIES AND ROLE OF THE WORKING GROUP
ON INDUSTRIAL PROPERTY (AC/94)

REF: USNATO 915

1. THE US IS CONVINCED THAT LICENSED COPRODUCTION, ON A SELECTIVE BASIS, IS A FEASIBLE MECHANISM FOR INCREASING ALLIANCE INTEROPERABILITY AND STANDARDIZATION. CONGRESSIONAL SUPPORT IS EXPLICIT" ...THAT INTER-ALLIED PROCUREMENT WOULD BE FACILITATED BY GREATER RELIANCE ON LICENSING AND COPRODUCTION AGREEMENTS AMONG..." NATO MEMBERS. (DOD AUTHORIZATION ACT 1976). THE SECRETARY OF DEFENSE'S ANNUAL NATO RATIONALIZATION STANDARDIZATION REPORT TO CONGRESS CONTINUES TO STRESS THIS POINT.

UNCLASSIFIED

UNCLASSIFIED

PAGE 02 STATE 041607

2. AT THE SAME TIME THE US RECOGNIZED THAT MUCH WORK NEEDS TO BE DONE TOWARD FURTHER REFINEMENT OF NATIONAL AND ALLIANCE POLICIES AND PROCEDURES. AS AN INITIAL STEP OSD/ISA CONTRACTED THE GENERAL RESEARCH CORPORATION TO UNDERTAKE AN EXPLORATORY STUDY ON NATO STANDARDIZATION AND LICENSING

POLICY. A COPY OF THIS REPORT HAS BEEN PROVIDED TO EACH ALLIED EMBASSY IN WASHINGTON. THE US HAS ALSO STRONGLY SUPPORTED A STUDY UNDER THE AUSPICES OF THE CNAD (AC 94) TO

EXAMINE THE BARRIERS TO INCREASED COPRODUCTION AND LICENSING AND TO TRY TO IDENTIFY WAYS TO ACCOMMODATE THOSE DIFFERENCES.

3. IN ORDER TO FACILITATE AC 94'S STUDY PROJECT WE SUPPORT THE DIRECTION OF ASYG LABERGE'S RECOMMENDATIONS CONCERNING BROADENING OF THE GROUP'S CHARTER. SPECIFICALLY, WE SEE NO OBJECTION TO THE NEW TITLE OF "NATO INTELLECTUAL PROPERTY GROUP." (PARA 3 (A) REF)

WE SUGGEST TWO ADDITIONS TO AC 94'S REVISED TOR APPENDIX

1. TASK (B) FIRST LINE, SUBSTITUTE "ASSISTANCE" FOR "GUIDANCE."

APPENDIX 2, ADD NEW (III). "EXAMINE COPRODUCTION AND LICENSING ARRANGEMENTS, ROYALTY, RESEARCH AND DEVELOPMENT SURCHARGES, AND PROPRIETARY RIGHTS ASPECTS OF COOPERATIVE ARMS PROGRAMS, INTENDING TO FURTHER ALLIANCE INTEROPERABILITY AND STANDARDIZATION." PREVIOUS III BECOMES IV.

AS THE CONCLUDING SENTENCE APPENDIX 2, II, ADD "WHEN AC 94 IS APPROPRIATELY TASKED SUCH EXPERTISE COULD BE VERY HELPFUL IN DEVELOPING CASE STUDIES INVOLVING PARTICULAR COOPERATIVE ARMS PROGRAMS, THESE STUDIES COULD THEN BE THE BASIS FOR CONCLUSION AND RECOMMENDATIONS ON UNCLASSIFIED

UNCLASSIFIED

PAGE 03 STATE 041607

ALLIANCE COPRODUCTION, LICENSING AND OTHER RELATED POLICIES."

4. WE ASSUME THAT SUCH CASE STUDIES WOULD BE UNDERTAKEN ONLY AFTER COMPLETION OF INITIAL STUDY OF FACTORS AFFECTING NATO COPRODUCTION AND LICENSING, IN ORDER TO BUILD AC 94 EXPERIENCE IN THE AREA.

5. WE ANTICIPATE THAT AS AC 94 EXAMINES OBSTACLES, IT WILL FIND THAT LICENSING TO DATE HAS BEEN INITIATED IN THE PRODUCTION STAGE AND THAT THIS LATENESS HAS OFTEN CAUSED ADAPTATION PROBLEMS, RESULTING FROM DIFFERENCES IN LANGUAGE, MEASUREMENT SYSTEMS, TECHNICAL DRAWINGS, INDUSTRIAL ORGANIZATIONAL STRUCTURES AND PRACTICES, NATIONAL LAWS AND PROCEDURES (BOTH FORMAL AND INFORMAL). CO-PRODUCTION AND LICENSING TYPICALLY INVOLVE SOME DEGREE OF TECHNOLOGY TRANSFER. CONSEQUENTLY INDUSTRIAL AND NATIONAL SECURITY ISSUES MUST BE CONSIDERED.

IN EXAMINING APPROPRIATE SOLUTIONS, INCENTIVES, RECOMMENDATIONS FOR THEIR STUDY, AC 94 WILL NEED TO BE FAMILIAR WITH NATIONAL, AS WELL AS NATO, MACHINERY FOR DETERMINING COPRODUCTION AND LICENSING POLICIES AND

PRACTICES AS THEY RELATE TO ALLIANCE INTEROPERABILITY AND STANDARDIZATION. THE ULTIMATE PRODUCT OF AC 94 MAY BE NEW ALLIANCE AGREEMENTS TO HARMONIZE NATIONAL PROCEDURES.

6. US MISSION SHOULD ENCOURAGE OTHER ALLIES, PARTICULARLY UK, FRG, FRANCE AND CANADA, TO PROVIDE REPRESENTATION COMMENSURATE WITH THE STUDY OUTLINED ABOVE. IN ADDITION TO ITS REGULAR REPRESENTATIVE (MR. WILLIAM GAPCYNski), DOD WILL SEND MR. AL LAHERNE, OSD/I AND L) WHO IS EXPERT IN THE AREA OF "BUY-NATIONAL" LEGISLATION AND OTHER STATUTORY AND ADMINISTRATIVE RESTRICTIONS TO UNCLASSIFIED

UNCLASSIFIED

PAGE 04 STATE 041607

COPRODUCTION AND LICENSING ARRANGEMENTS. WE SUGGEST THAT MR. ROBERT GESSERT, OF THE GENERAL RESEARCH CORPORATION AND DIRECTOR OF THEIR STUDY ON NATO COPRODUCTION AND LICENSING, PRESENT A SUMMARY OF THEIR APPROACH, CONCLUSIONS, AND RECOMMENDATIONS CONCERNING FURTHER STUDY NEEDED ON THE SUBJECT. WE UNDERSTAND THAT MR. TSAMBIAS, CHAIRMAN OF AC 94, WELCOMES SUCH A PRESENTATION, WHICH COULD BE FOLLOWED BY QUESTIONS AND COMMENTS FROM THE FLOOR. MR. GESSERT WOULD BE PRESENT AS A CONSULTANT TO THE US DELEGATION. (GRC AND MR. GESSERT ARE NOW IN THE INITIAL STAGES OF A STUDY, SPONSORED BY OASD/ISA, ENTITLED "NATION STANDARDIZATION AND TECHNOLOGY TRANSFER.")

7. WE WOULD HOPE THAT DR. LABERGE'S SCHEDULE WOULD PERMIT HIM TO EMPHASIZE PERSONALLY TO THE GROUP THE IMPORTANCE HE ATTACHES TO AC 94'S STUDY ON NATO COPRODUCTION AND LICENSING POLICY.

8. GAPCYNski, LAHERNE, GESSERT ARE CLEARED FOR NATO/COSMIC.

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